



**REGULAR PLANNING BOARD MEETING AGENDA**

**November 22, 2011**

**5:00 p.m.**

*Pledge of Allegiance*

*Roll Call*

**1. Minutes:**

- 1.1. Approval of the October 25, 2011 regular meeting and November 1, 2011 work session minutes

**2. Regular Agenda Items:**

- 2.1. ZP 2011- 02 Discussion and action on amendments to the Weber County Zoning Ordinance regarding Ogden Valley heliport regulations; Chapter 1 (General Provisions) Section 6 (Definitions), Chapter 8 Forest Zones F5, F-10, and F-40, Chapter 18-B (Commercial Valley Zones CV-1 and CV-2) and Chapter 44 (Ogden Valley Destination and Recreation Resort Zone DRR-1)
- 2.2 STA 2011-01 Discussion and action on an amendment to Chapter 4 (Subdivision Improvements Required) of the Weber County Subdivision Ordinance
- 2.3 Discussion Submitting Information to a Planning Commission Policy

**3. Public Comments:**

**4. Planning Commissioner's Remarks:**

**5. Staff Communications:**

- 5-1. Planning Director's Report
- 5-2. Legal Counsel's Remarks

**6. Adjourn**

**\*Pre-Meeting:** FEMA Map Update

*The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*

*\*A pre-meeting will be held in Room 108 where no decisions are made*



*In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*





Minutes of the Ogden Valley Township Planning Commission meeting held October 25, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Greg Graves, John Howell, Laura Warburton, Pen Hollist, Dennis Montgomery, Ann Miller

Staff Present: Rob Scott, Director; Sean Wilkinson, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Sherri Sillitoe, Secretary

---

***Pledge of Allegiance***

***Roll Call***

**1. Minutes:**

- 1.1. Approval of the September 27, 2011 regular meeting and work session minutes

Commissioner Hollist indicated that he should be listed as present instead of Jim Banks

Commissioner Warburton would like it noted that they appreciated the neighbors design on the northwest boundary.

Commissioner Pen indicated that on the Last portion of the second part of paragraph 2.1 the sentence did not flow and staff should review that portion.

Chair Parson declared the September 27, 2011 meeting minutes approved as presented.

**2. Consent Agenda Items:**

- 2.1. UVS 082807 Consideration and action on a request for a one-year time extension of The Sanctuary, located east of Green Hill Country Estates Phase 6 past the end of Maple Drive, 6 Lots (Timothy Charwood, Applicant)

MOTION: Commissioner Warburton moved to approve Consent Agenda Item 2.1 subject to all staff and agency reviews based on the finding that it meets all the requirements of the subdivision ordinance 26-1.7b. A vote was taken and Chair Parson said the motion carried with all members present voting aye.

**3. Regular Agenda Items:**

- 3.1. UVS091911 Consideration and action on a request for final approval of Sleepy Hollow Subdivision 1<sup>st</sup> Amendment, 1 Lot, and a recommendation to vacate the following: Sleepy Hollow Subdivision Lots 17, 18, and the 14.5-foot wide un-named road on the north side of Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon

Sean Wilkinson presented a staff report and indicated that this request is for an amendment and a recommendation to vacate Lots 17, 17 and the 14.5-foot wide un-named road on the north side of Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon. . A "no access" line has been placed on the subdivision boundary with Highway 39 and access to the subdivision is on an existing dedicated 14.5-foot wide road in the Hermitage Subdivision. The road in the Hermitage was dedicated in 1919 and is considered legal access, despite not meeting current zoning requirements. Staff has reviewed the application and found it complete. Staff recommends final approval of Sleepy Hollow Subdivision 1<sup>st</sup> Amendment based on its compliance with applicable County ordinances and the Ogden Valley General Plan. Staff also recommends that Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, the 14.5-foot wide un-named road on the north side of Lots 17 and 18, and Sleepy Hollow Subdivision be vacated. Both recommendations are to the County Commission.

Chair Parson asked if there was consideration for a turnabout. Mr. Wilkinson indicated yes, it discussed in the previous approval.

Commissioner Graves asked if the road to Sleepy Hollow would be affected and Mr. Wilkinson replied no.

Sean Wilkinson indicated that this property is in an FR-1 Zone not an FV-3 Zone as was listed once in the staff report.

Keith Rounkles, 750 Ogden Canyon, indicated they purchased two lots from his neighbor and they would like build a home on the property. The road that will be vacated served his property and the two lots that they now own. There were many little roads going through the area in 1919 when the Hermitage Subdivision was developed.

Commissioner Hollist asked if there would be one home on this property, and Mr. Rounkles replied yes.

Boyd Bindrup asked why it was a subdivision. Sean Wilkinson said there is technically no division of land, but they go through the same platting process that property being divided goes through. It is considered a one-lot subdivision.

MOTION: Commissioner Hollist moved to recommend to the County Commission that final approval of Sleepy Hollow Subdivision 1<sup>st</sup> Amendment, 1 Lot, and a recommendation to vacate the Sleepy Hollow Subdivision Lots 17, 18, and the 14.5-foot wide un-named road on the north side of Lots 1 and 18 of Block 11 of the Hermitage of Ogden Canyon. Commissioner Miller seconded the motion. A vote was taken and Chair Parson said the motion carried (7-0).

3.2. ZTA 2011-02 Amendment to amend Chapter 28 (Nonconforming Buildings, Uses, and Parcels: Allowing boundaries within an approved subdivision not meeting current zoning to be able to realign lot lines within the subdivision (Rex Mumford, Applicant)

Jim Gentry presented a staff report and reported that this amendment would allow boundaries within an approved subdivision not meeting current zoning to be able to be realigned within the subdivision. It could potentially allow some lots more non-conforming to the current zoning but they would still meet the zoning in place at the time they were created. The change of zoning in the Ogden Valley occurred in 1998. This would be a recommendation to the County Commission.

Chair Parson indicated that it is important for the audience to know that it conforms to the zoning in place at the time of the property was subdivided.

Rex Mumford indicated that he grew up in the Ogden Valley on this parcel of land that was originally homesteaded in the 1860's. His Father passed away a couple of years ago and his Mother asked him to ask if one acre for the home could be divided and if he could use the remaining acreage. His Mother's lot would become more non-conforming, but the other lot would become less non-conforming. This would give his family a chance to keep the stewardship of that land within his family.

Commissioner Warburton indicated that when the Planning Commission considers making a decision on this they are not just considering the applicant, but they would be making the decision for others in the County. She believes that if approval were given, Mr. Mumford would be giving a gift to the valley.

MOTION: Commissioner Warburton moved to recommend approval of ZTA2011-02 to allow in according to staff's recommendations. Commissioner Howell seconded the motion. A vote was taken and Chair Parson said the motion carried (7-0).

3.3. DR 201-09 Consideration and action on a request for Design Review approval of the Eden Center located at 2612 N Hwy 162 (Wop Wom LLC, Applicant; Tyler Nelson, Agent)

Ben Hatfield presented a staff report and reviewed the criteria for Design Reviews.

To answer a question by Commissioner Hollist, Mr. Hatfield indicated that there was a temporary short-term vendor on the property for approximately six months.

Ben Hatfield indicated that staff is recommending changing their parking plan and adding the required number of parking stalls. Staff has asked the applicant to address lighting further. The applicant is looking for some direction tonight as to the storm water location proposed and the overall site plan. The signage plan was not submitted with this application. The landscaping plan was submitted.



The Weber-Morgan Health Department has not completed their review of this proposal yet. The applicant is working with the Health Department regarding the proposed uses and the sizes of the septic tanks. The applicant would like to further divide the property into a condominium with a shared drainfield. In order for that to happen, a body politic would have to step forward.

Questions to be considered are as follows:

1. Is the project layout and building design consistent with applicable Weber County Ordinances? Currently as proposed the site plan does not meet the current ordinances and several items need work to become compliant.
2. Before making many of the changes the applicant would like the Planning Commission's feedback on the overall design as well as individual items to be worked on. Staff has pointed out the following questions that should be considered:
  - Design:
    - Do the cabins meet the architectural standards intended for the Ogden Valley?
    - Does this cluster of 8 cabins fit in with the surrounding developments in size and scale?
    - Is this parcel large enough to handle this type of multiple unit development?
  - Parking:
    - Are the 25 spaces sufficient for the needs of 8 units? What commercial uses are proposed?
    - Should off-site parking be allowed?
  - Setbacks:
    - The front setback can be reduced if a complete street plan has been approved. Is this segment of Highway 162 an area where a complete street plan should occur?

Staff is recommending that the site plan is tabled in order for the required information to be submitted and reviewed.

Commissioner Howell indicated that parking along the 40 mph Hwy 162 would be dangerous. He asked if the applicant owned the property to the south below this property that could be used for parking, and Ben Hatfield replied no.

Tyler Nielsen with Gardner Engineering indicated that as far as the parking is concerned along the highway, they have pushed it well off the edge of asphalt similar to the parking at the General Store. The parking is not meant to be long term; the idea for the parking was for convenience. They are trying to utilize linking the surrounding businesses so there are not large asphalt parking lots, primarily the parking that is located at the grocery store and to the south. They did not have the time to get the review from the Health Department as they were in training meetings last week. Commissioner Warburton asked Mr. Nielsen if he had heard of the complete streets concept, and Mr. Nielsen replied no.

Pat Brennan, lives in Patio Springs and is with the owners of this property, indicated that if they could make it a condominium project they could sell some of the buildings and recover some of the money and then rent out the remaining buildings. If they can make it a condominium project, they would not need a body politic, only a wastewater operator. Jim Banks has indicated to him that he could be the wastewater operator for that system. They are trying to create more jobs in the area. He has had a dentist, a realtor, and a small retail operation express interest. He would like good criticism on this new plan where it has changed from doing one large building to a few smaller ones. As far as the screening for the mechanics on the outside, they could place a bush there to screen any outside mechanical equipment.

Commissioner Warburton indicated that she is excited about the charming project that reminds her of Jackson Hole. Mr. Brennan indicated that is the concept he is going for. She explained the complete street concept by indicating that complete streets means there is enough street for everybody – walkers, bicyclists, etc., which is why they adopted the setback standards for commercial zoning. The parking will have to meet the ordinance requirements.

Pat Brennan indicated that he has talked to the property owner to the south regarding shared parking. Legally, they cannot say they can intermingle the parking. Commissioner Warburton indicated that the proposal would need to conform to the zoning ordinance parking requirements.

Commissioner Howell asked if the applicants have talked with the people to the south regarding shared parking and Mr. Brennan replied yes.

Pat Brennan indicated that they will have a deceleration lane and the angle parking will not be backing out onto the highway.

Commissioner Hollist said that he is having a problem with the project scale and questions how far the buildings are separated in the design. They tried to keep a minimum of five feet and a maximum of 10 feet on the inner portion circle. A person could walk between the buildings without turning sideways. He asked why they arrived at eight units and Mr. Nielsen indicated that is what comfortably and cozy fits on the lot. Mr. Hollist indicated that he believes this is a remarkable addition to the area. He wonders whether it will give a crowded visual impact or open. Mr. Nielsen indicated that they do not have the uses in the building tied down yet so they cannot say how many parking spaces they would need.

Commissioner Graves indicated that the basic concept is good. With his past 25 years experience with such plans, it feels to him that they have too much crowded into the proposed space. The idea of a gathering space is good, but he believes the gathering space should be relatively close to shop doors and that they need more than a gazebo. The drainfield area could be an attractive nuisance to them if it is continually wet. He realizes they want to maximize what they can have, but the execution needs some massaging. Tyler Nielsen indicated that they still want to vacate the easements and the detention concept.

Chair Parson asked if Unit 7 would be designed like the others, and Mr. Nielsen replied yes.

Commissioner Howell asked if they would have basements, and Mr. Nielsen replied yes. The ground there is porous and water goes right through it. Commissioner Howell indicated that the water table is high and that area has flooded. He has seen people canoeing in the area below the cemetery.

Pat Brennan indicated that they would like one month to answer the questions and submit the required information. From the asphalt to the back of the property there is about a 5 ft. difference. Theoretically, the basements would not be that far in the ground.

Steve Clarke, Eden, indicated that the staff report indicated that Hwy 162 is planned to be an 80 ft. wide roadway which would put a third lane there. He believes this place should provide its fair share of parking whether there is excess parking at the next property or not. He agrees with the Planning Commission statement that there is too much going on in such a small space. He suggested that the applicant consider varying building sizes.

Chair Parson asked how many parking spaces are they short. Tyler Nielsen indicated that they don't have the uses tied down yet so they don't know.

Commissioner Graves said if they were considering any eatingy-places there, they would want to consider outdoor tables. Chair Parson indicated that they should look at the visual appearance of the design.

Tyler Nielsen indicated that the site plan already plans for the 80 ft. wide highway.

MOTION: Commissioner Warburton moved to table this issue for one month so that the applicant can work out the details. Commissioner Graves seconded the motion. A vote was taken and Chair Parson indicated that the motion carried (7-0).

#### 3.4. Discussion Heliport Ord. Discussion

Sean Wilkinson summarized what was discussed at the October work session where they had no quorum.



At the last meeting there was some discussion about changing that elevation to 6,300 ft. but that may exclude Wolf Mountain from having a heliport which is not staff's intent. There was discussion about limiting heliports in the CV2 zone. There was a discussion of limiting flight paths, and staff indicated that they do not have the expertise to do that; we are only dealing with the landing area at this point. Heliports would be located in the F-40 Zone and the DRR-1 Zone. Sean Wilkinson indicated that they would discuss lot areas, distance from existing dwellings, and the elevation component at the next meeting.

Commissioner Howell said they have been discussing the elevation, and maybe they could go to 6,500 ft. Sean Wilkinson indicated that 6,500 ft. would probably preclude Snowbasin and Powder Mountain from having a heliport. Commissioner Warburton asked if they could grandfather the one location at Snowbasin, which is at 6,200 ft.

Commissioner Howell indicated that they do not want the helicopters flying over a populace area. Commissioner Graves indicated that the 6,200 ft. makes a reasonable line between that and the valley floor and then they could rely on other non-arbitrary criteria such as distance from homes, possibly noise levels, etc. When they looked at the DRR-1 Zone, they noticed that 6,200 ft. is where the mountainous area starts.

Commissioner Hollist indicated he supports the idea of 6,200 ft. and believes it is defensible. He wonders if there are practical matters that do the same things that they are interested in doing. At Snowbasin, you can pick up a helicopter at 6,200-6,300 ft. and fly to three peaks that are not reachable by the ski lifts. As a practical manner, he does not believe he would pay the cost to fly to the top of Wolf Mountain; he does not think that is an issue. Chair Parson indicated that he could see flying from Wolf Mountain; someone could take the ski lift to a waiting snowmobile that would take you to the top where a helicopter could be. He believes they could eliminate any take offs from the valley floor.

Lee Schussman indicated that the elevation is 5,600 ft. at the south gate of Nordic Valley. He thanked the Planning Commission for being aware of this issue and looking at setting some type of elevation regulation that is not discriminatory. Other resorts limit flights in relation to lift location. Commissioner Warburton thanked Mr. Schussman for his input and interest in their community, Mr. Schussman indicated that the Forest Service currently prohibits landing anywhere on Forest Service property. He has a copy of a report to Congress regarding noise and heliports.

Commissioner Warburton said that she believes they should invite someone from Wolf Mountain to attend their next meeting.

Commissioner Miller asked if staff has any ordinances that limit heliports due to elevation. Sean Wilkinson indicated that they would research other jurisdictions for ordinance examples. Commissioner Warburton indicated that she believes they are heading in the right direction and that she has looked at similar ordinances from Alta, etc.

**4. Public Comments:**

**5. Planning Commissioner's Remarks:**

Commissioner Warburton indicated that they have indicated that their pre-meetings are public and minutes should be taken. Sherri indicated that Legal Counsel has indicated that they need to record them and staff is working towards that. Commissioner Hollist indicated that no decisions are made in the meeting so do they need minutes. Commissioner Warburton indicated that she believes the meeting needs to be recorded.

**6. Staff Communications:**

**6-1. Planning Director's Report**

Rob Scott invited the Planning Commissioners to the Annual Planning Division Dinner on November 29, 2011.

Chapter 34 Home Occupation was approved by the County Commission today.

Rob Scott indicated that last night about 7:30 p.m., Iris Hennon started getting phone calls about a sign put up by the Grandfather who was tired of all the complaints regarding the Jones elk-cutting proposal. Iris went and inspected, saw the sign and called the listed phone number, but reached an innocent bystander. The sign is no longer on the property. Pen Hollist indicated that when Legal Counsel was with us he rather doubted that the issue would come before the Planning Commission, it would be handled by either the state property Ombudsman or the Weber County Board of Adjustment.

**6-2. Legal Counsel's Remarks – N/A**

**7. Adjourn to Convene a Work Session**

**WS1.** Discussion Amendment to the Weber County Subdivision Ordinance Chapter 4 (Subdivision Improvements Required)

There really is not a lot of substantive change, only clarifications. They are clarifying who is responsible for the infrastructure. They tried to use consistent language for applicant/developer.

Rob Scott indicated that Item 11 came from the County Surveyor's Office.

Commissioner Hollist asked staff to define the .dwg format and "mylar." Commissioner Graves said .dwg is a file designation for AutoCad. Mylar is the name of a material that you can print a subdivision plan on that is long lasting and you can make additional prints from. Rob Scott indicated that a mylar has been required for many years.

On 4-6 it seems as though there is a word or two missing it should read that The County Engineer at the request of the applicant "may release," "shall release," "is authorized," etc. Rob Scott indicated that it would read, "may consider."

Commissioner Hollist indicated that under curbs and gutters, "Deferrals for curb and gutter shall be required in Ogden Valley. Why don't they say, "no curb and gutters," so it is not a double negative. Commissioner Warburton indicated that deferral is an action in that case.

Pen Hollist said under the second paragraph on Page 4.3 Storm Water he thought that someone would file Articles of Incorporation with the Department of Commerce and Commercial Code. Rob Scott indicated that staff would check with Legal Counsel and then bring this ordinance amendment back to the Planning Commission when the County Commission makes a decision regarding the deferral issue.

Commissioner Howell indicated that under 26-14, the change was to allow the Planning Department to approve subdivisions up to 10 lots where it was three. He believes it should stay below three lots to the Planning Department and above three should go to the Planning Commission. It allows the Planning Division Director to make a determination if the proposal was straightforward.

Steve Clarke said 4.2 Section 2 Sewage Disposal he is concerned that a developer is requested to put in a trunk line sized to support the drainage above the subdivision, which in the Ogden Valley could mean the North Fork Drainage or South Fork Drainage, etc. In the Ogden Valley, they have sewage facilities large enough to support a population area, not necessarily, what could happen all the way up the entire drainage. Rob Scott indicated the experts would know the appropriate sizing, location, etc. Mr. Clarke said that the County Commission as a body politic said if you are within a certain distance from such a system, there are certain things an applicant has to abide by. Mr. Scott indicated that the word "new" was added before "trunk line," for clarification otherwise, the ordinance reflects the existing language. The County Engineer has the responsibility to make that determination. Mr. Clarke believes that the Planning Commission should make that determination. Commissioner Graves said the next sentence allows the developer compensation for the portion that he has to build. Mr. Clarke indicated that a developer could only recover costs for 10 years. Commissioner Graves indicated that he believes that it is the County Engineer's responsibility to determine the trunk line size.

Rob Scott said the County Engineer has the responsibility to look at every subdivision proposal. Commissioner Warburton indicated she does not see where that would be a role for the Planning Commission. It seems to her that they need a sewage plan for the Ogden Valley.

Pen Hollist clarified the language and Mr. Clarke's intent as: "The new trunk line shall be designed with sufficient capacity to serve the subdivision." Mr. Clarke's belief is that there are areas beyond that subdivision, something between the subdivision and the entire drainage should be listed in the amended ordinance. He believes the County Engineer should not have all the power to plan for the Ogden Valley without the Planning Commission's input.



Steve Clarke said on Page 4.4-10. He doesn't know if there are any canals that are 5 cfs. in the Ogden Valley. He knows there is no recognition of where the fence needs to go from the canal such as 1 rod. He believes they should have something in the language to make it clear.

Commissioner Warburton understands where Mr. Clarke is coming from. She believes a public/private partnership should occur to study some of the issues of concern in the Ogden Valley.

There being no further business, the meeting was adjourned at 7:32 p.m.

Respectfully Submitted,

Sherri Sillitoe  
Weber County Planning Commission

DRAFT

Minutes of the Ogden Valley Township Planning Commission meeting held November 01, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Greg Graves, Pen Hollist, John Howell, Ann Miller, Dennis Montgomery, Laura Warburton

Staff Present: Robert Scott, Director, Sean Wilkinson, Planner, Ben Hatfield, Sherri Sillitoe, Secretary

---

**W1. Presentation:**

Miradi Presentation and Update

Justin Morris made a presentation of *Miradi*, the application tracking software program, which is a collaborative electronic reviewing and project tracking solution for Weber County and developed by Justin Morris of the Planning Division and Michael Tuttle of the Engineering Division. *Miradi* means 'project' in Swahili. The new program treats everything as a project. An ordinance amendment, building permit, subdivision, board of adjustment appeal, and business license are all examples of different types of land use activities and permits. At an abstract level, each example is a project involving many unique properties, aspects, people, and reviewing agencies.

*Miradi* helps to organize and track projects. Reviews, dates (submittal, expiration, etc), files, comments, parcels, violations, etc, can be added to a project. Every user can follow any number of projects and receive notifications of new project activity. The dashboard shows new activity and keeps track of an applicant's projects. Reviewing agencies are selected when a project is created. These agencies can add reviews and comments to a project, helping the project manager gather expert information and present findings to decision makers all in a very timely manner.

Commissioner Warburton congratulated Justin Morris and Michael Tuttle for creating a great program and added that they did so in house without extra remuneration. Rob Scott indicated that they have received interest from other jurisdictions asking to see the program.

**W2. Discussion:**

Heliport Ordinance Discussion

The Ogden Valley Planning Commission has discussed various components related to heliports at several work sessions over the last few months. The purpose of this work session is to discuss and come to a consensus on the various standards that will be included in the final ordinance amendment to be presented on November 22, 2011. They have discussed that the existing conditional use of heliport will be eliminated from the CV-2 Zone, heliport will be added to the DRR-1 Zone as a conditional use and helistop will be added to the F-40 Zone as a conditional use. An elevation standard is necessary, setback standards are necessary for heliport/helistop design; standards that are difficult to measure or enforce will not be included in the ordinance. The existing conditional use of "Airport" will be removed from the F-40 Zone and be replaced by "Private Aircraft Landing Area," and definitions must be chosen for heliport, helistop, and private landing area.

The majority of CV-2 Zones in the Ogden Valley are located on the valley floor near existing commercial and residential structures. Therefore, due to concerns about safety and noise, the Planning Commission has determined that the CV-2 Zone is not compatible with heliports.



The DRR-1 Zone and the F-40 Zone make up the majority of the mountainous areas of Weber County and have existing area requirements and other standards that provide built-in buffers from adjacent properties. As conditional uses, the Planning Commission has the authority to place reasonable conditions on heliports and helistops in order to mitigate any potentially detrimental effects.

The largest land use setback in Weber County is 200 feet from a residential, public, or semi-public structure on an adjacent lot for a livestock raising and grazing operation. 200 feet seems like a reasonable distance for a heliport/helistop, but this standard needs further discussion. In addition to setbacks from structures, the Planning Commission also needs to discuss setbacks from property lines.

A 200 ft. minimum setback from either side of the pad was discussed. With 200 ft, there is roughly 1.72 million feet to consider. An option will be that they could require more acres. Staff suggested that that they need to find a basis for any set standard. Staff will research noise decibel tables and come back with a range of options. Rob Scott said he believes there should be some flexibility in the process if someone has a unique piece of property.

Lee Schussman in reading a publication indicated that Helicopter noises are considered much more noticeable than other noises. Five hundred feet from a helicopter the noise level is 90db, and one thousand feet away only increases the decibel level by five decibels.

Rob Scott indicated that when you establish a standard, that is the minimum. For conditional uses, the Planning Commission can review the case and if there is a demonstrated concern with compatibility, topography of the land, etc. they could possibly increase that.

Cobalt Stromberg, financial comptroller for Snow Basin, indicated that they do not have much to gain or much to lose from having a heliport. It is their opportunity to show the Ogden Valley that they could be a good neighbor. He can say that some of the ideas brought forth tonight would take them out of the mix. A 500 ft. setback would put them more into the area of the lodges or the lifts. A heliport would have to be on the outskirts of the resort. He is mostly concerned with the elevation standard discussion. They would not have a permit with the Forest Service to have heliskiing on the property. Heliskiing is permitted in the backcountry. It may be an opportunity to provide some ambiance for the resort. Their customers are coming to the resort for peace and quiet. The frequency of the helicopters would be limited. The elevation at Snow Basin is 6,280 ft.

The Planning Commission has discussed various elevations ranging from 6,200 feet to 6,500 feet. 6,200 feet seems to be the most practical elevation because it has already been established by the DRR-1 Zone as the dividing line between the mountains and the more developable areas of the valley. Using this elevation keeps heliports off the valley floor away from more densely populated areas, while still providing areas where heliports can be reasonably located and accessed.

As far as the standards for the design, the FAA regulates design but the Planning Commission can consider certain design standards. Some recommendations are that the landing surface be dust-proof, be at least twice the size of the largest helicopter anticipated to land there, and be free from obstructions of any kind.

Chair Parson said either it will be concrete, grass or asphalt or you could treat the soil with sodium carbonate. Commissioner Montgomery indicated that he could not see the pilots landing in a dusty area or sand pit. Commissioner Graves indicated that they could let the applicant choose the surface.

Standards that are difficult to measure or enforce will not be included in the ordinance. Some of these standards include noise regulation, number of flights, flight path regulation, and other regulations where the FAA or other agencies have jurisdiction. With the zoning, elevation, and setback regulations, it is anticipated that heliports/helistops will be adequately regulated.

- *It was determined that staff will come back with options for setbacks and noise levels.*

Definitions must be chosen for heliport, helistop, and private aircraft landing area: Several suggested definitions from St. Paul Minnesota included in the meeting packet for the Planning Commission's consideration.

Commissioner Hollist asked if that would mean you could park one helicopter and then land another. Sean Wilkinson indicated that that is not the intent.

Commissioner Montgomery indicated that the Fire Code and Building Code have definitions for these uses and he would not want to conflict with those ordinance.

Sean Wilkinson asked if they should eliminate heliport or helistop, and Commissioner Warburton said she believes in the case of Snow Basin that they may want their own heliport where they own it, maintain it, fuel, etc, and a heliport can serve as a helistop.

Commissioner Hollist said he did not envision the need for a hanger, fuel area, etc. If they utilize their overflow parking lot temporarily, they would not have underground fuel tanks, etc. They are required to have some various cleaning supplies on site if they have a fuel leak. Commissioner Hollist asked Mr. Stromberg if he would envision needing a hanger at Snow Basin, and Mr. Stromberg replied no they do not want their customer base to be interrupted.

Steve Clarke said that he believes heliport should be the use they should be considering. Commissioner Graves indicated that they should let the applicant decide.

- *The consensus amongst the members was that only the heliport use should be defined.*

Sean Wilkinson indicated that there are people in the valley now where they fly from their own property. Currently, it is not allowed as a use because it is not listed in the ordinance. Mr. Olsen from Diamond Peak previously indicated that he knew 4-5 people in the Ogden Valley that fly from their own property.

Commissioner Warburton indicated that where it comes to an airstrip, she does not feel qualified to make any recommendations.

There was confusion expressed about personal use versus commercial use for airstrips. Chair Parson indicated that personal use is already defined because it is not listed. Rob Scott indicated that if they are aware of things and they do not do anything about it, then that is where the County can get into trouble. Staff's feeling is that because they are aware, they should put some specific standards in place.

Commissioner Howell asked if they have received any complaints of the private landing strips. Sean Wilkinson replied that he is not aware of any complaints. Commissioner Hollist believes they should discuss the entire issue, both private and commercial.

Commissioner Graves indicated that he is in favor of grandfathering or finding a way for those that have had private landing strips in the Ogden Valley as no complaints have been received. Commissioner Miller agreed. Rob Scott indicated that if the uses were made conditional, then any existing airstrips would have the option of applying for that use to become legal.

Commissioner Warburton would like to know where the landing strips are. Commissioner Miller believes they should look at what the requirements are for private landing strips and then they could decide their next action. Commissioner Warburton indicated that they have done that for the heliport. After further discussion, Commissioner Hollist indicated that the Planning Commission's job is not to deal with what is happening now, their job is to anticipate and plan for the future.

- The consensus amongst the members was that they need to make a distinction between private and commercial airstrips.

As an added note, Chair Parson said if you had a setback of 300 ft. from all four sides, you would get 92,000 sq. ft. Sean Wilkinson indicated that staff will come back with diagrams to reflect different scenarios.

Lee Schussman stated that on behalf of himself and David Holmstrom who originally filed the application to change the CV-2 Zoning Ordinance, including Ron Tencio who has also done a large amount of work on this issue including dozens of Ogden Valley residents. They would to express thanks to the staff, especially to Sean Wilkinson for all the hard work devoted to understanding and to the establishment of a well-thought out policy the CUP processes for the placement of helipads. They believe this hard work of the Ogden Valley Planning Commission and staff will result in a policy that can posture the legitimate use of helicopters and at the same time preserve the quality of life for valley residents. Mr. Schussman urged the members to separate the two issues and he would hope they could use the new ordinance as a model for private landing strips.

### **W3. Discussion:**

Weber County Subdivision Ordinance Chapter 1 (General Provision – Filing preliminary and final plats) Amendments

Over the last few years, there have been many changes in state code regarding subdivisions. They have worked with the Health Department, Recorder, Surveyor, Health Department, and the Fire District to come up with proposed amendments so everyone will be on the same page.

There are some policy questions to be answered by the County Commission.

Regarding extensions, staff is recommending that for preliminary approval they allow two time extensions instead of just one if the applicant repaid the subdivision fees. The average subdivision fee is approximately \$600.

Commissioner Warburton asked why it would matter how long they sit on their own land. Jim Gentry indicated that over time codes change and it is difficult to keep track of the changes and to monitor every subdivision's timelines. Rob Scott indicated that they do not want a black hole out there that goes on forever. Once a subdivision is in the process, there is a time line to meet in order to be successful in

completing the subdivision. Commissioner Miller indicated that she would think they want closure for such projects. Commissioner Warburton indicated that she believes extensions are fair.

Jim Gentry indicated that state code now allows for more administrative-type decisions. If the subdivision meets the technical requirements of the ordinance, what type of notice should staff send?

Commissioner Howell indicated that in the Ogden Valley he believes that subdivisions more than three lots should go to the Planning Commission and the surrounding property owners should receive notice. Commissioner Graves disagrees with the three lots and believes it should be ten lots. Regardless it is still an administrative decision if they meet the criteria. Approval is given if it meets all the requirements, which would be an applicant's right. He believes it is okay to give notice for subdivisions larger than 10 lots; it is still a courtesy notice. Commissioner Howell indicated that he believes that the public notification process should continue.

Commissioner Miller asked why the Planning Commission would hear subdivision applications over 10 lots. Jim Gentry indicated that subdivisions are an administrative decision. Commissioner Hollist indicated that the only difference is the Planning Commission would go through the checklist instead of the staff. Chair Parson indicated that staff would still go through the checklist before they brought it to the Planning Commission.

Steve Clarke sides with Commissioner Howell because he believes that the need to get public input to decide if the public ordinances are meeting the needs of the valley. Public input drives ordinance changes. Commissioner Warburton agreed that public input drives ordinance changes and she believes the number should be over three lots. Rob Scott indicated that when things are before staff to make approval, it is at the discretion of the Planning Director to bring things to the Planning Commission. Staff is not in a good position to give discretionary requirements and if there are questions, staff will bring that question to the Planning Commission.

- *The consensus of the members was to allow two extensions for re-filing.*

A straw poll was taken as follow regarding how many lots could be approved administratively and when should property owners receive notice:

Commissioner Warburton agreed with 10 lots and that property owners should be notified on every subdivision until the website becomes more user friendly. John Howell and Commissioner Miller agreed that notice should be given to property owners for three or more lots. Commissioner Hollist passed. Chair Parson agreed with 10 or more. Commissioner Graves agreed with 10 or more and that notice should be given to property owners on anything that comes to the Planning Commission that isn't done administratively. Dennis agreed with 10 and notice after three.

Steve Clarke asked what kind of topics would they possibly see on work session between now and December.

There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted,  
Sherri Sillitoe, Secretary  
Weber County Planning Commission





## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Amendments to the following chapters of the Weber County Zoning Ordinance regarding Ogden Valley heliport regulations: Chapter 1 (General Provisions) Section 6 (Definitions), Chapter 8 (Forest Zones F-5, F-10, and F-40), Chapter 18-B (Commercial Valley Zones CV-1 and CV-2), and Chapter 44 (Ogden Valley Destination and Recreation Resort Zone DRR-1)

**Agenda Date:** Tuesday, November 22, 2011

**Applicant:** Lee Schussman and Dave Holmstrom

**File Number:** ZP 2011-02

#### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

#### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

#### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
(801) 399-8765

**Report Reviewer:** RS

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 1 (General Provisions) Section 6 (Definitions)
- Weber County Zoning Ordinance Chapter 8 (Forest Zones F-5, F-10, and F-40)
- Weber County Zoning Ordinance Chapter 18-B (Commercial Valley Zones CV-1 and CV-2)
- Weber County Zoning Ordinance Chapter 44 (Ogden Valley Destination and Recreation Resort Zone DRR-1)

### Background

On February 22, 2011, the Ogden Valley Planning Commission denied a conditional use application for a heliport at the Red Moose Lodge, located in a CV-2 Zone. The Weber County Commission upheld the Planning Commission's decision on April 5, 2011, finding that while detrimental impacts could not be mitigated to an acceptable level at the Red Moose Lodge, the use might work elsewhere in the Ogden Valley. Shortly after the County Commission's decision, the applicants (listed above) submitted a Zoning Ordinance text amendment requesting the removal of "Heliport" from Chapter 18-B (Commercial Valley Zones CV-1 and CV-2). The reasons listed in the application for removing "Heliport" from the CV-2 Zone were based on compliance with the Ogden Valley General Plan, and concerns over safety, noise, and impacts to nearby businesses and residences. The Ogden Valley Planning Commission considered this application at a meeting on April 26, 2011 and voted to table the proposed amendment so that a variety of issues associated with heliports could be addressed, including whether or not the use should be allowed elsewhere in the Ogden Valley, rather than only addressing the issue associated with the CV-2 Zone.

The Ogden Valley Planning Commission held work sessions on June 28<sup>th</sup>, July 26<sup>th</sup>, October 4<sup>th</sup>, October 25<sup>th</sup>, and November 1<sup>st</sup> in which a variety of policy issues and heliport use regulations were discussed. While the Planning Commission agreed on how to address some of the issues including removing "Heliport" from the CV-2 Zone, allowing heliports in the F-40 and DRR-1 Zones, and establishing a minimum elevation of 6,200 feet, other issues like adequate setback regulations, appropriate definitions, and regulations for private residential use were not resolved. Therefore, staff has prepared the

following Zoning Ordinance amendments based on the work session discussions and on additional research since the November 1<sup>st</sup> work session. The proposed amendments are listed below with staff's explanation of why they are being recommended. Please see Exhibits A, B, C, and D for the specific ordinance language.

▪ **Chapter 1 (General Provisions) Section 6 (Definitions)**

At the November 1<sup>st</sup> work session the Planning Commission discussed the definition of heliport vs. helistop. In researching this issue staff has found that the two terms can generally be used interchangeably, but to avoid confusion the Federal Aviation Administration (FAA) has defined them as follows:

**Heliport:** The area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

**Helistop:** A minimally developed helicopter facility for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected.

Based on these definitions, it is clear that a heliport typically has structures, parking areas, fuel tanks, and other permanent facilities, which can be used for a more intense helicopter operation. A helistop is simply a designated landing area with no permanent facilities. Passengers and cargo can be loaded and unloaded and refueling can occur from a fuel truck. A helistop, rather than a heliport, appears to be what was proposed at the Red Moose Lodge. The Planning Commission needs to determine which term should be placed in the Zoning Ordinance and how it should be defined. Regardless of which term is chosen, the definition should also include the term "Private Use" and explain that the heliport/helistop is for use only by those who have received permission, not for use by the general public.

Staff proposes the following definitions for the Planning Commission to consider:

**Heliport, Private Use:** An area designed to be used for the landing or takeoff of helicopters which may include terminal facilities and facilities for maintenance, loading and unloading, refueling, and storage. A private use heliport is open for use only by those who have received permission from the owner/operator, not for use by the general public.

**Helistop, Private Use:** An area designed to be used for the landing or takeoff of helicopters, loading and unloading of passengers or cargo, and refueling from a fuel truck, which does not include terminal facilities and facilities for maintenance, loading and unloading, refueling, and storage. A private use helistop is open for use only by those who have received permission from the owner/operator, not for use by the general public.

▪ **Chapter 8 (Forest Zones F-5, F-10, and F-40)**

The F-40 Zone makes up the majority of the mountainous areas of Weber County and has existing area requirements (40 acres) and setback standards that provide built-in buffers from adjacent properties. In addition, with heliport/helistop being listed as a conditional use, the Planning Commission has the authority to place reasonable conditions on heliports/helistops in order to mitigate any potentially detrimental effects. Staff proposes that private use heliports/helistops be allowed as a conditional use in the F-40 Zone, subject to the following standards:

1. A heliport/helistop must be located on a single parcel of record which is not less than 40 acres in area.
2. A heliport/helistop must be located at an elevation of at least 6,200 feet above sea level.
3. A heliport/helistop must be located at least 200 feet from any property line. The Planning Commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport/helistop closer than 200 feet to the property line provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the Planning Commission.
4. The heliport/helistop landing surface must be dust-proof, free from obstructions, and at least twice the size of the largest helicopter permitted to land.
5. Prior to issuance of a conditional use permit, for a private use heliport/helistop, written approval from the Federal Aviation Administration (FAA) is required, if necessary.
6. A heliport/helistop shall comply with all FAA regulations and applicable zoning regulations for lighting, signage, etc.



The rationale for each of these standards is described below:

1. The existing area requirement for an F-40 Zone is 40 acres. While the actual heliport/helistop will use only a fraction of this area, the 40 acre requirement provides a good opportunity for the owner to locate a heliport/helistop in an area that will provide for increased safety and noise abatement, even with a dwelling or other structures located on the same parcel.
2. 6,200 feet seems to be the most practical elevation because it has already been established by the DRR-1 Zone as the dividing line between the mountains and the more developable areas of the valley. Using this elevation keeps heliports off the valley floor and away from more densely populated areas, while still providing areas where heliports can be reasonably located and accessed.
3. The largest land use setback in Weber County is 300 feet from a residential, public, or semi-public structure on an adjacent lot for a livestock raising and grazing operation. At the November 1<sup>st</sup> work session the Planning Commission discussed the setback requirement and focused on either 200 or 300 feet from property lines for safety and noise abatement purposes. It is difficult to illustrate how this would affect the majority of parcels in the F-40 Zone, but two examples are shown in Exhibit E. The minimum lot width in the F-40 Zone is 660 feet. If a parcel has only the minimum lot width and a 300 foot setback is required, a 60 foot wide envelope in the middle of the parcel is all that remains for development of a heliport/helistop. The parcel widths and shapes vary widely in the F-40 Zone, which is why the exception has been included in the standards.

One of the issues associated with setbacks is noise abatement. Two decibel comparison charts have been included as Exhibit F to illustrate how helicopter noise compares to other sounds. It is obvious that there will be noise associated with a heliport/helistop, but the Planning Commission must determine how much noise is acceptable, and how setback standards will be applied to mitigate potential noise impacts. The setback standard created by this ordinance is the minimum standard. As mentioned previously, the Planning Commission has the authority to increase the setback if they determine that safety, noise, or other concerns cannot be adequately mitigated.

4. These standards provide additional safety measures for the heliport/helistop landing surface.
5. If inspections of the heliport/helistop are required by the FAA, a copy of the approval must be submitted to the Planning Division prior to issuance of a conditional use permit.
6. Compliance with all FAA regulations and zoning regulations for lighting, signage, etc. is required. These issues should be addressed as part of the conditional use application.

In addition to the above amendments, staff proposes that the term “airport” be removed from Chapter 8. This will eliminate confusion between airports and heliports/helistops.

▪ **Chapter 18-B (Commercial Valley Zones CV-1 and CV-2)**

Staff proposes that the term “Heliport” be removed from Chapter 18-B, meaning that heliports will no longer be allowed as a conditional use in the CV-2 Zone. The majority of CV-2 Zones in the Ogden Valley are located on the valley floor near existing commercial and residential structures. Due to concerns about safety, noise, and other impacts to these nearby businesses and residences, the Planning Commission and the County Commission have already determined that the CV-2 Zone is not compatible with heliports. Staff agrees with this determination.

▪ **Chapter 44 (Ogden Valley Destination and Recreation Resort Zone DRR-1)**

Staff proposes that the term “Helistop; Medical and Interior Resort Operations” be removed from Chapter 44 Section 8 (Land Uses) and replaced with “Private Use Heliport” or “Private Use Helistop” depending on which term the Planning Commission chooses. The use will remain as a conditional use.

The DRR-1 Zone has existing area requirements (1,000 acres) and setback standards that provide built-in buffers from adjacent properties. In addition, with heliport/helistop being listed as a conditional use, the Planning Commission has the

authority to place reasonable conditions on heliports/helistops in order to mitigate any potentially detrimental effects. Staff proposes that private use heliports/helistops be allowed as a conditional use in the DRR-1 Zone, subject to the following standards:

1. A heliport/helistop must be located at an elevation of at least 6,200 feet above sea level.
2. A heliport/helistop must be located at least 200 feet from any resort boundary. The Planning Commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport/helistop closer than 200 feet to the resort boundary provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the Planning Commission.
3. The heliport/helistop landing surface must be dust-proof, free from obstructions, and at least twice the size of the largest helicopter permitted to land.
4. Prior to issuance of a conditional use permit, for a private use heliport/helistop, written approval from the Federal Aviation Administration (FAA) is required, if necessary.
5. A heliport/helistop shall comply with all FAA regulations and applicable zoning regulations for lighting, signage, etc.

The rationale for these standards is the same as listed for the F-40 Zone above. The only difference is that there is no individual parcel size required for this use in the DRR-1 Zone, so the setbacks are from the DRR-1 resort boundary rather than from individual property lines. The proposed setback of 200 feet exceeds the existing buffer requirements of the DRR-1 Zone listed in (44-2.7).

The issue of personal-use aircraft is not addressed with these ordinance amendments. This issue will require additional research and will be brought back to the Planning Commission at a later date.

### **Summary of Planning Commission Considerations**

- Are the proposed amendments clear and reasonable?
- Can the Planning Commission make findings to support the proposed amendments?

### **Conformance to the General Plan**

This is a legislative matter. The draft ordinance is consistent with the Ogden Valley General Plan.

### **Conditions of Approval**

Not Applicable

### **Staff Recommendation**

Staff recommends that the Ogden Valley Planning Commission recommend that the Weber County Commission adopt the amendments to Chapters 1, 8, 18-B, and 44 as proposed.

### **Exhibits**

- A. Weber County Zoning Ordinance Chapter 1 (General Provisions) Section 6 (Definitions) Proposed Amendments
- B. Weber County Zoning Ordinance Chapter 8 (Forest Zones F-5, F-10, and F-40) Proposed Amendments
- C. Weber County Zoning Ordinance Chapter 18-B (Commercial Valley Zones CV-1 and CV-2) Proposed Amendments
- D. Weber County Zoning Ordinance Chapter 44 (Ogden Valley Destination and Recreation Resort Zone DRR-1) Proposed Amendments
- E. F-40 Zone setback illustrations
- F. Decibel level comparison charts
- G. Public comments



# Exhibit A

## Chapter 1 (General Provisions) Section 6 (Definitions) Proposed Amendments

One of the following definitions will be added to Chapter 1:

**Heliport, Private Use:** An area designed to be used for the landing or takeoff of helicopters which may include terminal facilities and facilities for maintenance, loading and unloading, refueling, and storage. A private use heliport is open for use only by those who have received permission from the owner/operator, not for use by the general public.

**Helistop, Private Use:** An area designed to be used for the landing or takeoff of helicopters, loading and unloading of passengers or cargo, and refueling from a fuel truck, which does not include terminal facilities and facilities for maintenance, loading and unloading, refueling, and storage. A private use helistop is open for use only by those who have received permission from the owner/operator, not for use by the general public.

## CHAPTER 8

### FOREST ZONES F-5, F-10, AND F-40

99-21, 2009-15

- 8-1. Purpose**
- 8-2. Permitted Uses**
- 8-3. Conditional Uses**
- 8-4. Minimum Lot Area, Width and Yard Regulations**

---

#### **8-1. Purpose**

The intent of the Forest Zones is to protect and preserve the natural environment of those areas of the County that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.

The objectives in establishing the Forest Zones are: (1) to promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions, (2) to reduce the hazards of flood and fire, (3) to prevent sanitation and pollution problems and protect the watershed, (4) to provide areas for private and public recreation and recreation resorts, and (5) to provide areas for homes, summer homes, and summer camp sites.

4-71

---

#### **8-2. Permitted Uses**

- 1. Agriculture
- 2. Cluster subdivisions, which comply with the requirements of Chapter 22B of this Ordinance
- 3. Grazing and pasturing of animals, limited to one (1) horse or cow per acre of land exclusively dedicated to the animal; the keeping of animals and fowl for family food Production; golf course, except miniature golf courses
- 4. Home occupations 96-35, 2010-20
- 5. Public parks and recreation grounds; public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County; public buildings 10-37B
- 6. One recreational vehicle, temporarily parked on a lot or parcel for periodic short term intervals of less than one hundred and eighty days (180) for recreational use only and not for longer term placement nor for full time living. The following additional conditions shall apply:
  - A. The lot has a minimum area of five (5) acres in the F-5, 10 acres in the F-10, and 40 acres in the F-40 Zone or is determined to be a legally approved or legal non-conforming lot or parcel or cluster subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this Chapter.
  - B. County Environmental Health Department approval as to waste disposal by an approved septic tank and drainfield with approved connection to the R.V., and a Land Use permit from the Weber County Planning Commission for each unit, which shall expire after 180 days from date of issue, and including only the following accessory uses: not more than one (1) storage shed of not more than 100 square feet per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck of not

more than two (2) feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and tent type screens.

C. A second recreation vehicle may be placed on any lot, parcel, legal non-conforming lot or parcel as qualified in 8-2.6.b above containing a minimum area of two (2) acres excluding land known as common land and/or open space.

D. The following State and Local Division of Health Codes and requirements are complied with:

2. Rules and Regulations relating to Public Water Supplies
3. Code of Waste Disposal Regulations
4. Code of Solid Waste Disposal Regulations
5. Recreational Vehicle Park Sanitation Regulations 2003-14

7. Signs: Shall comply with Chapter 32-B, Ogden Valley Signs, if located within the Ogden Valley area.

8. Accessory buildings and uses customarily incidental to the primary use

9. Single Family Residences; summer home subdivisions 2003-14

10. Facilities for persons with a disability meeting the requirements of Chapter 23-26 of this Ordinance

11. Private Stables, not to exceed 1 horse per acre

12. Household Pets 2001-4

---

### 8-3. Conditional Uses

2010-20

~~1.~~ Airports

~~2.~~1. Cemeteries; churches

~~3.~~2. Forest industries; production of forest products

~~4.~~3. Dams

~~5.~~4. Educational/Institutional Identification Sign 20-94, 30-94

~~6.~~5. Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber County

Excavation Ordinance

~~7.~~6. Planned Residential Unit Development in accordance with Chapter 22D of this Zoning Ordinance 3-72

~~8.~~7. Private parks and recreation grounds; private campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County; dude ranches; public utility substations and transmission lines

9.8. Public Utility Substations 96-42

~~10.~~9. Radio and television towers

~~11.~~10. Ski resorts

~~12.~~11. Skeet and Trap Shooting Ranges as an accessory use to public and/or private camps in the F-5 and F-10 Zones 6-88, 2000-10

~~13.~~12. Skeet and Trap Shooting Ranges in the F-40 Zones 6-88, 2009-15

~~14.~~13. Water pumping plants and reservoirs

~~15.~~14. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of W

~~16.~~15. Recreation Lodge

~~17.~~16. Recreation Resort

~~18.~~17. Conference/Education Center

18. Private Use Heliport/Helistop subject to the following standards:

A. A heliport/helistop must be located on a single parcel of record which is not less than 40 acres in area.

B. A heliport/helistop must be located at an elevation of at least 6,200 feet above sea level.

C. A heliport/helistop must be located at least 200 feet from any property line. The Planning Commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport/helistop closer than 200 feet to the property line provides a more beneficial



situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the Planning Commission.

- D. The heliport/helistop landing surface must be dust-proof, free from obstructions, and at least twice the size of the largest helicopter permitted to land.
- E. Prior to issuance of a conditional use permit, for a private use heliport/helistop, written approval from the Federal Aviation Administration (FAA) is required, if necessary.
- F. A heliport/helistop shall comply with all FAA regulations and applicable zoning regulations for lighting, signage, etc.

---

#### 8-4. Minimum Lot Area, Width and Yard Regulations

8-72

	<u>F-5 Zone</u>	<u>F-10 Zone</u>	<u>F-40 Zone</u>
Area	5 acres	10 acres	40 acres
Width	300 ft.*	400 ft.*	660 ft.*
Yard, Front	30 ft.+	50 ft.	75 ft.
Yard, Side	20 ft.	20 ft.	40 ft.
Yard, Rear	30 ft.	30 ft.	30 ft.

\*\*

1) \* The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third (1/3) provided the required minimum lot width is provided back from the front lot line at a distance of one hundred (100) feet in the F-5 Zone; one hundred-forty (140) feet in the F-10 Zone

2) \*\* In the F-40 Zone where property lot lines follow a basic rectangular pattern based upon section lines or regular divisions of section lines, road frontage requirements may be reduced to a minimum of one hundred (100) feet for each lot, but this in no way permits a reduction in the minimum required lot width which must be maintained.

3) + In the F-5 Zone, front yard setbacks will be fifty (50) feet on right-of-way of 80 feet or more.

4) Main Building Maximum Height 35 ft.                      35 ft.                      35 ft.

2001-21

5) Accessory Building Height 25 feet, unless meeting requirements of Chapter 23-16,  
Large Accessory Buildings.

2002-8, 2009-14

---



# Exhibit C

	<u>CV-1</u>	<u>CV-2</u>
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.	P	P
5. Educational institution	N	P
Electrical and heating appliances and fixtures sales and service	N	P
Electronic equipment sales and service	N	P
Employment agency	N	P
6. Fabric and textile store	P	P
Farm implement sales	N	C
Five and ten cent	P	P
Florist shop	P	P
Frozen food lockers, incidental to a grocery store or food business	P	P
Fruit store or stand	N	P
Furniture sales and repair	N	P
Fur apparel sales, storage or repair	N	P
7. Garden supplies and plant materials sales	C	P
Gift store	P	P
Glass sales and service	N	P
Government buildings or uses, non-industrial	C	P
Greenhouse and nursery; soil and lawn service	N	P
Grocery store	N	C
Grooming for dogs	N	P
Gunsmith	N	P
Gymnasium	N	P
8. Hardware stores	N	P
Health club	N	P
Health food store	P	P
<del>Heliport</del>	<del>N</del>	<del>C</del>
Hobby and crafts store	P	P
Hospital supplies	N	P
Hotel	N	C
House cleaning and repair	N	P
House equipment display	N	P
Household appliance sales and incidental service	N	C
9. Ice cream parlor	P	P
Insulation sales	N	P
Insurance agency	N	P
Interior decorator and designing establishment	N	P
10. Janitor service and supply	N	P
Jewelry store sales and service	P	P

2001-16

# Exhibit D

- 3) **Housing Affordability:** An annual report shall be generated and presented to the Weber County Planning Staff that outlines a previous year's employment level, workforce housing need, housing type/availability and occupancy. The report shall also outline the method(s) guaranteeing perpetual affordability and the rental and/or mortgage payments as they relate to housing types. Housing payments, including utilities, shall not exceed 30% of the Upper Valley Moderate Income as defined in the Weber County Moderate Income Housing Plan.
- 4) **Density and Affordable Workforce Housing:** Any increases in density caused by the development of workforce housing requirements shall be in addition to the allowable density approved at the time of the DRR-1 Zone application.

## 44-8. Land Uses

Use	Permitted (P) Conditional (C)
<b>Residential Uses</b>	
Single-Family Dwelling	P
Two-Family Dwelling (aka Duplex)	P
Three-Family Dwelling	P
Four-Family Dwelling	P
Multi-Family Dwelling	P
▪ Recreation Lodge	P
▪ Lock-out Sleeping Room; maximum of two per dwelling unit.	P
▪ Condominium Rental Apartment (Condo-Tel)	P
▪ Private Residence Club	P
▪ Townhome	P
Residential Facility for Persons with a Disability meeting the requirements of Chapter 23 (23-13).	P
Timeshare/Fractional Ownership Unit	P
Nightly Rental of Single Family Dwellings	C
Hotel	P
Bed and Breakfast Dwelling / B&B Inn / B&B Hotel	C
Accessory Apartments	C
Workforce Housing / Dormitory / Residence Hall	P
Hostel	P
Campground (public or private tent/RV ); meeting the requirements of the Forest Campground Ordinance of Weber County	C
<b>Commercial Uses</b>	
Bank / Financial Institution	P
Bakery	P
Drinking Establishment	P
Grocer / Neighborhood Market	P
Delicatessen	P
Boutique (gift, flower, antique, clothing, jewelry)	P
Fueling Station/Gas Station	P
Conference / Education Center	P
Wellness Center (i.e. spa, fitness etc.)	P

Art Gallery and Studios	P
Book Store	P
Beauty / Barber Shop	P
Short Term Vendor	p
Package Liquor Store	P
Private Club	P
Restaurant; excluding drive-thru window	P
Sporting Goods / Clothing Store; including rental	P
<b>Other Uses</b>	
Arts Theater and Performance Facility / Auditorium / Amphitheater	P
Agriculture	P
Childcare Facilities	P
Church / Place of Worship	P
Clinic / Medical Facility	P
Community Center	P
Developed Recreation Facility (i.e. swimming, golf course, ice skating, skate park, playground, tubing hill, tennis etc.)	P
Dude Ranch; including horse rental	P
Equestrian Center	P
Gun club / Skeet / Sporting Clay	C
<p><del>Helistop; Medical and Interior Resort Operations</del> <u>Private Use Heliport/Helistop</u>  <u>subject to the following standards:</u></p> <ol style="list-style-type: none"> <li><u>A heliport/helistop must be located at an elevation of at least 6,200 feet above sea level.</u></li> <li><u>A heliport/helistop must be located at least 200 feet from any resort boundary. The Planning Commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport/helistop closer than 200 feet to the resort boundary provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the Planning Commission.</u></li> <li><u>The heliport/helistop landing surface must be dust-proof, free from obstructions, and at least twice the size of the largest helicopter permitted to land.</u></li> <li><u>Prior to issuance of a conditional use permit, for a private use heliport/helistop, written approval from the Federal Aviation Administration (FAA) is required, if necessary.</u></li> <li><u>A heliport/helistop shall comply with all FAA regulations and applicable zoning regulations for lighting, signage, etc.</u></li> </ol>	C
Home Occupation; with no visiting clientele	P
Home Occupation; with visiting clientele	C
Horses for private use, provided that not more than two (2) are kept for each one (1) acre of land exclusively devoted to the keeping of horses	P
Trails (nordic, hiking, biking, equestrian)	P
Laundromat	P
Museums	P

Nordic Center	P
Office; Professional and Resort Administrative	P
Office Supply / Shipping Service	P
Parking Areas and Structures	P
Parks and Playgrounds	P
Pharmacy	P
Public Building	P
Public Utility Substation and Structure	C
Real Estate Office	P
Recreation Centers	P
Recreation Vehicle Storage	P
School; public or private school having a similar curriculum as a public school	P
Ski Area and associated facilities	P
Ski Lodge and associated services	P
Small Wind Energy System; meeting the requirements of Chapter 23 (23-24).	C
Solar Energy Installation; meeting the requirements of Chapter 23 (23-27).	C
Telecommunications Tower	C
Yurt	P
Cluster Subdivision excluding bonus density; meeting the requirements of Chapter 22B of the Weber County Zoning Ordinance	P
PRUD excluding bonus density; meeting the requirements of Chapter 22D of the Weber County Zoning Ordinance	C
Welcome / Information Center	P
Waste Water Treatment Facility; meeting the requirements of the State of Utah Division of Water Quality	C
Water pumping plants and reservoirs	C
Accessory building or use customarily incidental to a permitted use	P



# F-40 Zone rectangular parcel example





# F-40 Zone square parcel example

This lot is 1,290 ft by 1,360 ft = 40.27 acres

Buildable area with a 200 ft setback is 890 ft by 960 ft = 19.61 acres

Buildable area with a 300 foot setback is 690 ft by 760 ft = 12.03 acres

300 ft

200 ft

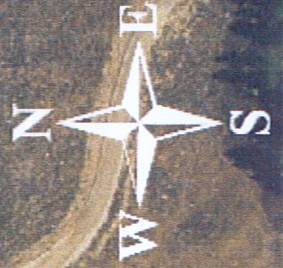
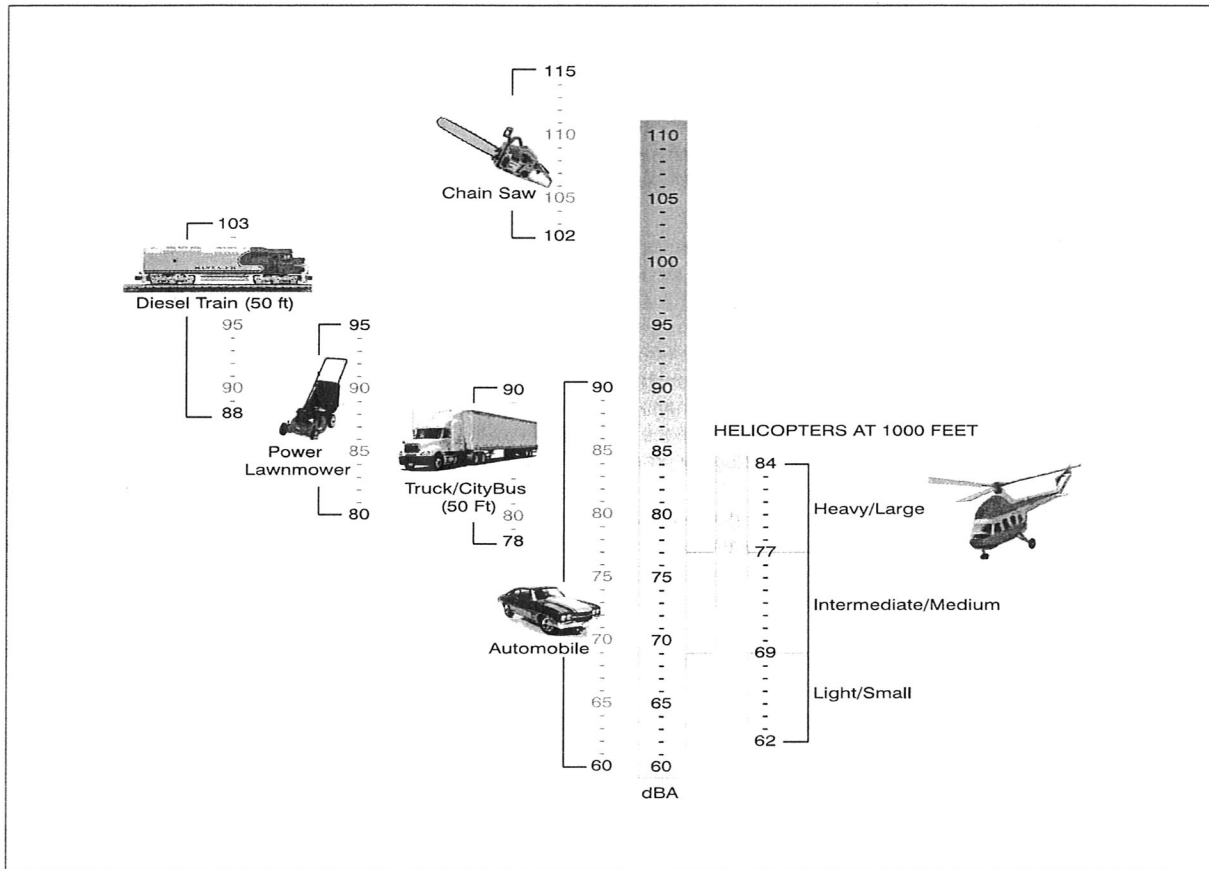




Figure A2 provides some basis for comparing helicopter sound levels to other familiar sounds. Comparisons are made at representative distances from each sound source.

**Figure A2**

Comparison of  
Sounds



The sound level is, however, only one of the aspects to be considered since the character of the sound - or the impulsive character of the sound - can be equally important. Fortunately, the impulsive character of the sound, as well as the actual level, can be controlled by using noise abatement procedures.



www.reliabilitydirectstore.com

2911 South Shore Blvd. Suite 170, League City, TX USA 77573 Phone: 281-957-5283 Fax: 281-334-4255

## Sound Level Decibel Loudness Comparison Chart

Environmental Noise	
Weakest sound heard	0dB
Whisper Quiet Library	30dB
Normal conversation (3-5')	60-70dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Subway train at 200'	95dB
<i>Level at which sustained exposure may result in hearing loss</i>	<i>90 - 95dB</i>
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
<i>Pain begins</i>	<i>125dB</i>
Pneumatic riveter at 4'	125dB
<i>Even short term exposure can cause permanent damage - Loudest recommended exposure <u>WITH</u> hearing protection</i>	<i>140dB</i>
Jet engine at 100', Gun Blast	140dB
Death of hearing tissue	180dB
Loudest sound possible	194dB
OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB
.25 or less	115dB

### Perceptions of Increases in Decibel Level

Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB

### Sound Levels of Music

Normal piano practice	60 -70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 -111dB
Oboe	95-112dB
Flute	92 -103dB
Piccolo	90 -106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier rock, 4-6'	120dB
Rock music peak	150dB

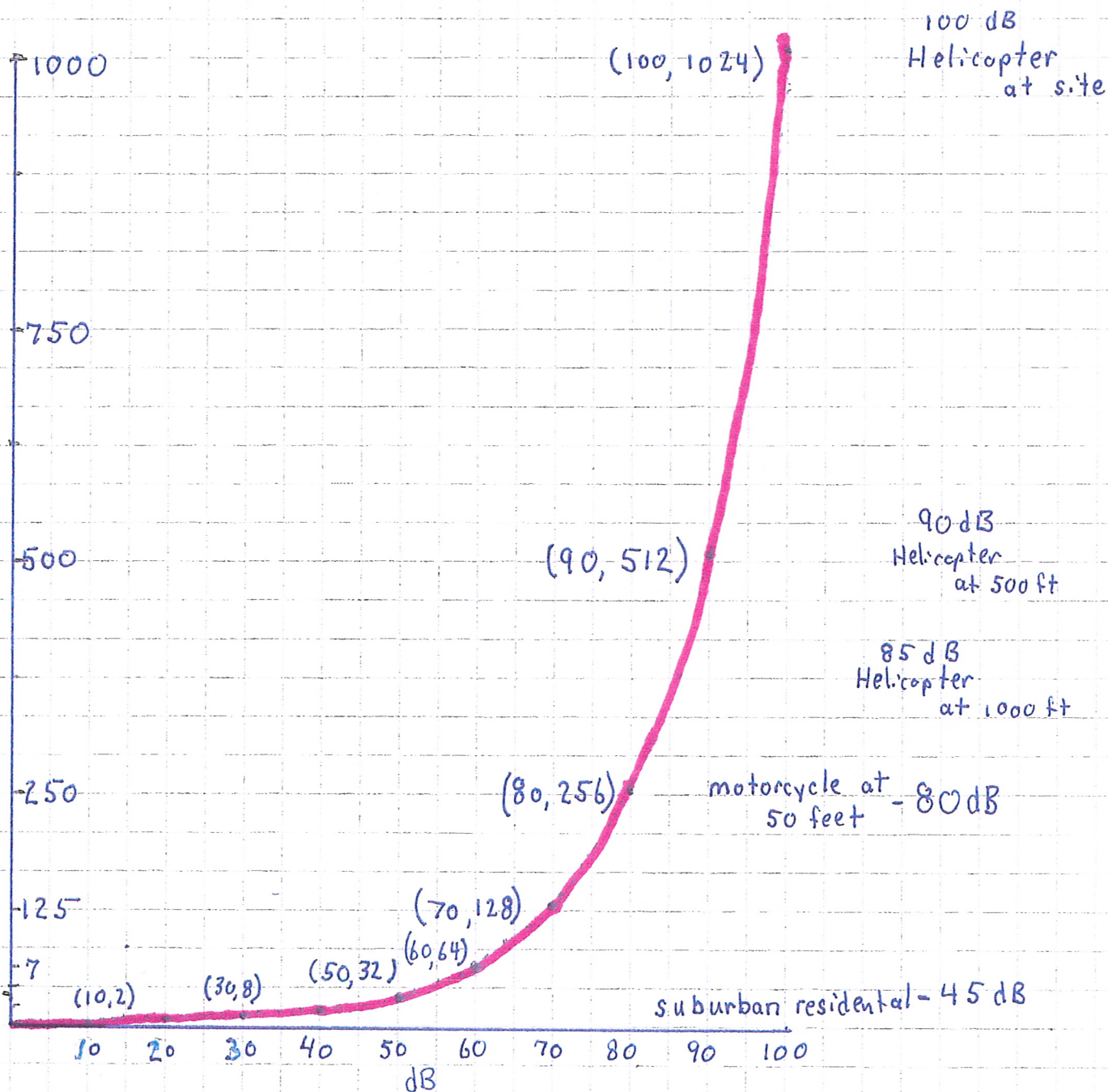
#### NOTES:

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the piccolo is 2,048-4,096 Hz.
- Aging causes gradual hearing loss, mostly in the high frequencies.
- Speech reception is not seriously impaired until there is about 30 dB loss; by that time severe damage may have occurred.
- Hypertension and various psychological difficulties can be related to noise exposure.
- The incidence of hearing loss in classical musicians has been estimated at 4-43%, in rock musicians 13-30%.

Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin , M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.



Perceived Sound Level



The perception of sound doubles for every 10 dB increase.

A 70 dB intensity level sounds TWICE as loud as a 60 dB sound.

And an 80 dB sound is again TWICE as loud as 70 dB,

90 dB sounds TWICE as loud as an 80 dB

$$\beta = (10 \text{ dB}) \log \left( \frac{I}{I_0} \right)$$

## Exhibit G

Wilkinson, Sean

---

**From:** Tim Charlwood [timcharlwood@gmail.com]  
**Sent:** Wednesday, November 02, 2011 9:20 AM  
**To:** Wilkinson, Sean  
**Subject:** Heli stop/port

Sean,

It was interesting to listen to the various views expressed last night. I do have a commercial hot air balloon and air ships license and have spent time with the FAA rules. I am interested in the ordinance that you propose.

Heli Ports imply a commercial operation with fuel, accommodation of sorts and possible maintenance, they are registered with the FAA and allow passing traffic to land. Heli stop/pad is invite only and requires no other support. It seems this is the way to go.

A few points, heli skiing seems to be the thrust of the problem, ground conditions at 6200 feet will be in snow conditions, without snow at that level no heli skiing is likely. Helicopters land on packed snow and like to re land on the packed area created by their skids in a very small area. There are a number of roof top landing sites in Salt Lake City, these are controlled by FAA rules, I am not sure what your ordinance will do there. Privately owned land allows balloons and aircraft to land and take off. Complaints of noise become civil matters and it is almost certain any pilot wants to respect these issues. In particular respect for horses and farms end with a code for pilots to avoid these areas, these are not covered by any ordinance but by flying organizations. The results are very few complaints as seems to be the case in Ogden Valley.

Set backs do not seem to be a part of other states ordinance, complaints or concerns come from adjacent owners with sensitive livestock or dwellings. These would be covered by a limit for a Heli Pad to be sited with a minimum distance of say 200 feet from such structures, you could reasonably increase this distance in rural areas. Any application would be considered on the individual merits and consideration to any adjoining property would be paramount. It could be worded to cover any new structure in adjoining property would require the re siting of the heli pad, this should not be a problem in a 40 acres site. It is clearly wrong to limit a set back on land that adjoins open space, it may well be a very good thing to have any heli pad on the edge of the property to be as far from any other structures as possible. At 6200 feet the terrain is likely to be steep and lot lines most likely will rarely be square. Some lots might well be less than 400 feet wide in areas where it makes sense to allow a heli pad, set backs prohibit that entirely. Homes are very limited at this level, it would be interesting to know how many exist in F40 zones at 6200 feet. Snow Basin mentioned set backs may drive the heli stop deeper into areas that may not work. They must respect adjoining property which would be covered by the above. The F40 zoning seems to be helpful in protecting others.

Thoughts of the day, not sure if it helps, I am sure you are finding the right balance.

Tim

## Wilkinson, Sean

---

**From:** frankc@xmission.com  
**Sent:** Friday, November 04, 2011 1:35 PM  
**To:** Wilkinson, Sean  
**Subject:** Heliport Ordinance

At the GEM Committee meeting the other night, in discussion of the heliport proposed ordinance, it was reported that there was indecision about the proper setback distance. I suggested there, and suggest to you, that inasmuch as the goal of establishing a setback distance in this instance relates clearly to the abatement of noise and visual (and perhaps dust in the summer) impact, that the setback requirement be left more general, and related to its purposes, as indicated above, or even linked to a specific DbA noise level at the property boundary, if that is the primary mission.

Language such as "...set back from adjacent properties so as to (or 'a distance which will') minimize negative impacts of noise, sight, and dust, taking into account topographic characteristics, existing vegetation, and the like" is the kind of thing I had in mind. I understand that such an approach does not provide the ease and certainty that simply picking a number would, but in this application (and perhaps others) a "one size fits all" approach may not be best. I also understand that this approach would require involvement of staff at the time of an application, but then so does a request for a variance from a preset setback which in any given case might not make sense.

Should you wish to discuss the idea further, please feel free to contact me.

Frank Cumberland  
801 745 8757





## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Amendment to Chapter 4 (Subdivision Improvements Required)  
**Agenda Date:** Tuesday, November 22, 2011  
**Applicant:** Weber County Planning Division  
**File Number:** STA 2011-08

#### Property Information

**Approximate Address:** Click here to enter text.  
**Project Area:** Click here to enter text.  
**Zoning:** Click here to enter text.  
**Existing Land Use:** Click here to enter text.  
**Proposed Land Use:** Click here to enter text.  
**Parcel ID:** Click here to enter text.  
**Township, Range, Section:** Click here to enter text.

#### Adjacent Land Use

**North:** Click here to enter text.      **South:** Click here to enter text.  
**East:** Click here to enter text.      **West:** Click here to enter text.

#### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
801-399-8767  
**Report Reviewer:** RS

### Applicable Ordinances

- Weber County Subdivision Ordinance Chapter 4 (Subdivision Improvements Required)

### Background

Consistent with the Planning Division work program staff is proposing several amendments to the Weber County Subdivision Ordinance Chapter 4 (Subdivision Improvements Required). This chapter list improvements (such as water and waste water) that are required as part of a subdivision.

Meetings have been held with the Fire District, Engineering, Environmental Health, Surveyor/Recorder, and the Building Inspection Division. The purpose of these meetings was to update the required subdivision improvements with the current requirements of other county departments and state codes.

26-4-1 Owner of Subdivision Responsible for Costs: There were no major changes to this section. Some language cleanup was done.

26-4-2 Improvements Required: Some of the changes to this section are to put the responsibility for oversight back to the regulating departments such water, waste water, and storm water. The requirement for lots to have two acres and 300 ft. of frontage in subdivision of ten lots but less than 20 lots was deleted since zoning in the Ogden Valley requires three acres and the Environmental Health Division has a requirement for well protection easement that can require greater frontage than zoning. The requirement for curb, gutter, and sidewalk as listed will be changed when the deferred requirements are modified by the County Commission. Other sections of 26-4-2 the language were updated to make the requirements clearer. Other changes to this ordinance included moving items from Chapter 1 of the subdivision ordinance to this chapter.

26-4-3 Guarantee of Improvements: A section on as built construction drawings was moved from Chapter 1 of the Subdivision ordinance to this section. The language was made clearer.

26-4-4 Inspection of Improvements: There were no major changes to this section. Some language cleanup was done.



### Summary of Planning Commission Considerations

- Are the reasons for amending the ordinance clearly stated?
- Are there additional amendments that should be addressed at this time?
- Are there any of the proposed amendments that should not be made at this time?

### Conformance to the General Plan

N/A

### Staff Recommendation

Staff recommends approval of the proposed amendments to Chapter 4 of the Subdivision Ordinance. If the Planning Commission agrees with the staff recommendation, approval of the amendments should be recommended to the County Commission.

### Exhibits

- A. Proposed ordinance

## CHAPTER 4

### SUBDIVISION IMPROVEMENTS REQUIRED

November 3, 2011

(Amd. Ord #11-2005, 8/16/05; #95-31, 11/11/95; 2009-32, 12/22/09)

- 26-4-1 Owner of Subdivision Responsible for Costs
- 26-4-2 Improvements Required
- 26-4-3 Guarantee of Improvements
- 26-4-4 Inspection of Improvements

#### 26-4-1 Owner of Subdivision Responsible for Costs.

The owner of any land to be platted as a subdivision shall at his own expense install or provide an escrow with Weber County for the following improvements prior to recording the final plat ~~or except as provided in Section 26-4-2(b) below~~; according to the specifications and standards contained in ~~Exhibit A attached to these regulations and titled the~~ "Public Work Standards and Technical Specifications" adopted January 26, 1982 and under the inspection of the County Engineer; ~~except for~~ Septic tanks ~~which must shall~~ be installed according to the specifications and under the inspection of the County Health Officer.

(Amd. Ord. #3-82, 1/26/82)

#### I. Water Supply.

- a. Public System: Where an approved public water supply is reasonably accessible or procurable, the subdivider applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. ~~The subdivider shall furnish to the County Health Officer plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber Fire District. The County Health Officer or State of Utah Department of Environmental Quality Division of Drinking Water shall determine the adequacy of the existing water system to provide culinary water.~~

Capacity Assessment letter is required prior to final approval from the Planning Commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission. (Amd. Ord. #2-73, 2/15/73; #2002-11, 6/18/02)

Comment [J1]: Moved from chapter 1

- b. New System: Where an approved public water supply or system is not reasonably accessible nor procurable, the subdivider applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the ~~State Board of Health~~ Utah Division of Drinking Water and/or the Weber Morgan Health Department, rules and regulations relating to public water supplies and ~~with the approval of the County Health Officer, provided that the Planning~~

Commission shall permit the water supply to be provided by means of individual wells if in its determination, the subdivision is not an extension or continuation of an existing or approved subdivision of related property and the subdivision is in a location where water supply pollution is not considered to be a significant problem or factor as follows: (Amd. Ord. #6-73, 4/17/73)

- 1) In subdivisions of ten (10) or more, but less than twenty (20) lots where each lot has a minimum area of two (2) acres and a minimum width of three hundred (300) feet; or (Amd. Ord. #2002-11, 6/18/02)
- 2) In subdivisions of less than ten (10) lots, evidence shall be submitted to the Planning Commission prior to the final approval of the subdivision that an adequate water supply meeting State Board of Health requirements is available in sufficient quantity to serve the subdivision.

(Amd. Ord. #15-71, 12/9/71)

- c. Wells: If individual well permits will be issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:

- 1) that a well permit must be obtained;
- 2) the time it may take to obtain the permit;
- 3) the well must be drilled;
- 4) water quality to be satisfactory; and
- 5) water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained from the Weber County Building Inspector. (Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02)

If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined.

- d. In subdivisions where new water systems and reservoirs are to be built, a letter of feasibility shall be required from the State of Utah Department of Environmental Quality Division of Drinking Water for Preliminary Approval. A Construct permit from State of Utah Department of Environmental Quality Division of Drinking Water shall be required prior to final approval by the Planning Commission.

(Amd. Ord. #2002-11, 6/18/02)

## 2. Sewage Disposal.

- a. Where a public sanitary sewer is within three hundred (300) feet from the property line or is close enough in the opinion determination of the County Health Officer and Planning Commission to require a connection, the subdivider applicant shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision Sewer systems shall be approved by the County Health Official, and connections shall comply with the regulations and Public Work Standards of the County, and shall be approved by the County Engineer.

Where the construction of a County trunk sewer trunk line is required to serve the subdivision, the subdivider applicant shall be required to construct such the trunk line in accordance with plans and specifications approved by the County and Sewer Improvement District as part of the normal subdivision improvements. Such The

new trunk line shall be designed with sufficient capacity to serve the entire drainage area as determined by the County Engineer, ~~with The subdivider applicant will being~~ entitled to reimbursement for ~~such the~~ the ~~oversize costs through additional sewer connection fee assessments to developing properties within said the drainage area for a period of ten (10) years from the date of acceptance by the County.~~

(Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02)

- b. Where a public sanitary sewer is not reasonably accessible, the subdivider applicant shall obtain approval from the County Health Officer for individual sewage disposal for each of the lots. ~~Subdividers shall furnish to the County Health Officer a report of percolation tests completed on the property proposed for subdivision in accordance with the Regulations of the Utah State Department of Public Health governing individual sewage disposal systems. Copies of the subdivision plan showing appropriate contours shall accompany the report and showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the County. Written approval from the County Health Officer shall be submitted to the Planning Commission Division at the time the subdivision application is submitted before consideration of the final plat.~~

Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility is required for Preliminary Approval and a Construct Permit from the State is required before final approval can be granted by the ~~Township~~ Planning Commission.

3. Storm Water.

The County Engineer shall require the subdivider applicant to dispose of storm water, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider applicant to acquire such easements.

When drainage structures such as storm water detention and/or retention facilities are required by the County Engineer, the County, at its option, may require the facility to be dedicated or otherwise transferred to Weber County or it's designate. Weber County may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes ~~proposed~~ in the subdivision with Articles of Incorporation and By-Laws filed with the ~~Utah Secretary of State Department of Commerce.~~ Provision shall be made in said Association for the contracting with the County Engineer to do periodic inspections and maintain the drainage facilities. ~~The County Engineer shall approve such inspection schedules.~~ The purpose of the Association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the County Engineer. In such cases, the County shall be granted an easement over the detention/retention facilities to guarantee such facilities will remain and be used as intended for storm water detention purposes.

(Amd. Ord. #3-82, 12/6/82; #2002-11, 6/18/02)

4. Street Grading and Surfacing. All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the Public Work Standards ~~and rules and regulations of the County Engineer.~~

5. Curbs and Gutters. Curbs and gutters shall be installed on existing and proposed streets by the subdivider applicant. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the subdivider applicant in subdivisions along the abutting Utah State Highways, if required by Utah State Department of Transportation.

(Amd. Ord. #19-90, 10/24/90; #11-2005, 8/16/05)

6. Sidewalks. Sidewalks shall be required by the Planning Commission for reasons of safety



and public welfare, and where the proposed subdivision is located within the walking distance as established by the School District. Deferrals for sidewalk will be required for lots in the Ogden Valley. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the County Commission. Approved walking paths may be substituted for sidewalks. (Amd. Ord. #19-90, 10/24/90; #2002-11, 6/18/02)

7. Street Monuments. Permanent street monuments shall be accurately set ~~and established~~ at such points ~~as are necessary to definitely~~ establish all lines of the street. Street Monuments shall be of a type specified ~~and approved~~ by the County Surveyor.  
(Amd. Ord. #4-86, 3/10/86; #11-2005, 8/16/05)

8. Street Trees. Street trees shall be planted by the subdivider applicant when so required by the Planning Commission and of a variety and location as approved by the Planning Commission.

9. Street Signs. Street signs shall be installed by the subdivider applicant at all locations as designated by the County Engineer. ~~Such signs shall be of such a type and of such material as shall be prescribed by the County Engineer.~~ The County Commissioners shall have the option to install such signs and charge ~~such~~ the costs to the ~~subdivider applicant~~.

10. Fencing or piping of Canals, etc. A solid board, chain link, or other non-climbable fence not less than five (5) feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Planning Commission determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of Canals etc. shall not be required on subdivisions of four (4) or fewer lots, or where canals, are located six-hundred (600) ft. from the homes. ~~The Planning Commission may also recommend to the County Commission that the ditch be piped, with the size of the pipe to be determined by the irrigation company and the County Engineer.~~  
(Amd. Ord. #2002-11, 6/18/02)

11. Staking Subdivision Corners. Survey markers shall be placed at all subdivision corners and lot corners ~~so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements.~~ This shall be ~~accomplished performed and confirmed by the surveyor's office~~ before the subdivision is recorded.  
(Amd. Ord. #2002-11, 6/18/02)

(a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24" in length and visibly marked or tagged with the registered business name or the letters P.L.S. followed by the registration number of the surveyor in charge. Where ground conditions do not permit such monumentation, substitute monuments shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.

(b) If the monument is set by a public officer, it shall be marked with the official title of the office.

Comment [J2]: Moved as part of revision to chapter 1

12. Peripheral Fencing. The Planning Commission may require ~~appropriate type~~ fencing along the periphery of a subdivision in an agricultural zone ~~so as to provide protection to adjacent farming lands from the adverse affects of residential living and vice versa.~~

(Amd. Ord. #3-82, 1/26/82)

- 13a. Secondary Water. "Secondary Water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed ~~covering real property which is located within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision,~~ the Planning Commission shall, as part of the approval of the subdivision, require the subdivider applicant to furnish adequate secondary water and ~~also to install a secondary water delivery~~

system to the lots in said ~~the~~ subdivision sufficient to conform to the public works standards of ~~Weber County~~, if such water district or company files or has filed a written statement with the Weber County Planning Commission Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the subdivider applicant, a certified copy of the minutes of the Board of Trustees of such water district or company showing the enactment of such policy must be furnished to the Planning Commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the subdivider applicant shall install a secondary water system in accordance with the provider's requirements or standards. (Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02; #11-2005, 8/16/05)

13b. Where the County, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the Subdivider applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the Planning Commission.

- a. The Subdivider applicant shall ~~cause to be~~ form a lot Owners Association as a non-profit corporation for the purpose of owning the irrigation water rights or stock for the lots in the subdivision. The Subdivider applicant shall transfer to the Association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The Articles of Incorporation of the Association shall provide, in addition to the Association owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the Association, ~~that he is~~ entitled to a pro rata share of irrigation water, ~~that he is~~ subject to a water distribution schedule and procedure established by the Association, and ~~that he is~~ responsible for his share of the costs of ditch and system maintenance and assessments as made by the Association from time to time, or
- b. The Subdivider applicant shall provide the County with evidence that ~~he holds~~ sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, ~~he the developer/property owner~~ shall record a covenant to run with the land in the subdivision, ~~acknowledging that he holds sufficient irrigation water rights or shares for the lots in the subdivision; that these rights or shares will not be disposed of except to the lots in the subdivision; and that with the sale of each lot, he will a transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.~~ (Amd. Ord. #22-87 12/14/87)

14. Fire Protection. A letter from the Weber Fire District approving the fire protection method shall be provided prior to final approval of the subdivision ~~by the Planning Commission~~. Before a ~~Building or~~ Land Use Permit is issued, the ~~approved~~ fire protection method shall be operational, and a letter to that affect will be required from the Weber Fire District. (Amd. Ord. #4-86, 3/10/86; #2002-11, 6/18/02)

15. Subdivisions located in the Forest and Forest Valley Zones shall have requirements in the Subdivision Covenants, Conditions, and Restrictions on Wildfire mitigation as outlined by the Weber County Fire District. (Amd. Ord. #17-91, 8/27/91; #2002-11, 6/18/02)

---

#### 26-4-3 Guarantee of Improvements.

1. All improvements shall be installed prior to issuance of any ~~Building and/or~~ Land Use Permit within a

newly approved subdivision. The only improvement that may not be required prior to construction of a dwelling is the asphalt, ~~chip and seal, landscaping, secondary water (if not in the right-of-way), and curb, gutter, and sidewalk on the road.~~ All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one (1) year of asphalt placement on a new road, will require a special permit and include requirements for special backfill and asphalt replacement.

(Amd. Ord #11-2005, 8/16/05)

The subdivider applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow which will allow the recording of a subdivision. The recording of the subdivision will allow the developer to sell the lots, but not allow Building and/or Land Use Permits to be issued until all improvements are installed, except as listed above for the asphalt and chip and seal on the road. (Amd. Ord #2009-32, 12/22/09)

The subdivider applicant shall furnish and file with the County Commission the escrow of the Weber County Engineer in an amount equal to the future cost of the installation of the improvements at the termination of the financial guarantee period as estimated by the County Engineer, to assure the installation of such improvements within two (2) years. ~~The escrow shall be approved by the County Commissioners and County Attorney.~~ (Amd. Ord #2009-32, 12/22/09)

Comment [J3]: The county commission would have to sign off if over xxx amount of money (10,000)

Upon the developer's completion of the construction of roads and utility lines, the developer's Engineer shall prepare and submit as built plans for all improvements for the approval of the County Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible mylars prior to the County acceptance for maintenance of roads.

Comment [J4]: Moved from chap 1

2. Upon completion of all improvements, ten percent (10%) of the approved financial guarantee shall be retained by Weber County for a period of one (1) year at which time, upon recommendation of the County Engineer, the roads may be accepted for maintenance by the County.
3. ~~The Planning Commission is authorized to prescribe by administrative rule or regulations, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the guarantee of improvements in strict compliance with the requirements of this Ordinance.~~ (Amd. Ord. #2002-11, 6/18/02)
- 4 3. Whenever the subdivider applicant develops a subdivision a portion phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time herein before specified. The subdivider applicant shall be responsible for coordinating the installation of utility, street, water lines, fire hydrants, and all other required improvements with the buyers of lots. (Amd. Ord. #2002-11, 6/18/02)
- 5 4. The County Engineer ~~is authorized, at the request of the subdivider applicant, to execute a release of portions of the escrow agreement when all obligations as to which have been fully performed by the installation of the improvements.~~ (Amd. Ord. #3-85, 4/17/85; #2002-11, 6/18/02; #2009-32, 12/22/09)
- 6 5. The subdivider applicant shall deposit with the County Engineer at the time of Final Plat approval, an amount of money equal to the estimated cost of purchase and installation of the Traffic Control and Street Name signs ~~required for proper completion of subdivision traffic direction.~~ (Amd. Ord. #13-91, 6/26/91; #11-2005, 8/16/05)
6. The subdivider applicant shall sign a Survey Monumentation Improvement Agreement and pay applicable fees associated prior to the County Surveyor signing the final subdivision plat mylar, deposit with the County Surveyor at the time of Final Plat Approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision. The subdivider's surveyor shall install such monuments within one year time period, after the asphalt is installed. (Amd. Ord. #13-91, 6/26/91; #11-2005, 8/16/05)
- 8 7. New subdivisions having to utilize a road that is substandard in road right of way width and/or improvements ~~Development on roads that are substandard to county road width requirements shall not be consider for approval or extension allowed to extend the road, until the entire substandard road is fully~~

improved to County Public Work Standards ~~county road width and standards.~~

(Amd. Ord #11-2005, 8/16/05)

---

26-4-4

**Inspection of Improvements.**

The County Engineer, Building Inspector, County Surveyor, and County Health Officer shall inspect ~~or cause to be inspected~~ all buildings, structures, streets, street monuments, fire hydrants, ~~and~~ water supply and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or back-filled until such installations ~~shall~~ have been approved by the County Engineer, or utility owner's' representative. If any ~~such~~ installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the County Engineer.

(Amd. Ord. #3-82, 6/26/82; #2002-11, 6/18/02; #11-2005, 8/16/05)

---





## Weber County Planning Division

Date: November 14, 2011  
To: Ogden Valley Planning Commission  
From: Robert O. Scott, AICP *RS*  
Planning Director  
Subject: Submitting Information to a Planning Commission Policy

The attached draft policy on submitting comments to a Planning Commission is provided for your consideration. Staff has also made changes to the Meeting Procedures / Commenting at Public Meetings and Public Hearings handout and Opening Meeting Statement to remove the word testimony or testifying based on a recommendation from our Legal Counsel. These words have a specific legal definition. This draft reflects the recommendations from the Western Weber Planning Commission from their November 8, 2011 meeting.

Some of the key questions for this type of policy are:

What is the appropriate deadline for submitting written information? If the deadline is the last day prior to sending out an agenda then Staff and the applicant will not have time to give a response in the Staff Report.

Are having e-mail comments with a signature sufficient to guarantee that someone submitting comments is in fact legitimate?

Staff recommends that the Ogden Valley Planning Commission consider these issues prior to making a decision.

Planning Commission  
Public Comment Policy  
November 14, 2011

- The Planning Division is Staff to the Planning Commission. All planning commission agenda items allow for comment in writing or comments in person.
- The Planning Division Staff is responsible for processing applications and submitting Staff Reports to the Planning Commission.
- Anyone wishing to give verbal comments will follow the policy entitled, Commenting at Public Meetings and Public Hearings.
- Anyone wishing to submit written information is subject to the following timeline and procedures:
  - All written materials must be received no later than eight days (Monday at 5:00 PM) prior to the planning commission meeting. This will allow time for Staff to insert the information in the Staff Report. This may or may not give the Staff or applicant sufficient time to address the written comments.
  - The Staff Report will be provided to the applicant at the same time it is submitted to the Planning Commission.
  - Comments submitted by e-mail will be subject to the timelines as outlined above. E-mail submittals will be required to be submitted in an Adobe Acrobat file and include the contact information (address) and signature of the commenter.
  - Staff Reports will be placed on the Planning Division and State websites once the Planning Commission agenda is completed.
  - Planning Staff will be available to answer questions regarding any project.



## Meeting Procedures

### Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

### Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

### Handouts:

- ❖ Written statements should be accurate and either typed or neatly hand written with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

## OPENING MEETING STATEMENT

I am going to explain the rules that govern [this/these] agenda items / hearing[s].

Before the agenda item or hearing begins, county staff will give a report. The report will list the criteria that govern the county's decision. After the staff report, the hearing will be opened for other speakers. The applicant will speak first. [If the county is the applicant, the staff report will serve as the applicant's case.] Following the applicant, any other interested person will be allowed to speak. The applicant has final rebuttal time.

Applicants or their agents will be allowed 10 minutes for their initial presentation and 5 minutes for rebuttal time. Persons speaking for a committee and or board will be given 5 minutes. All other individuals will be entitled to 3 minutes. Prior to speaking, anyone who needs more time to present evidence must ask for more time.

Any information, argument, or evidence you give must relate to the criteria listed in the staff report or other criteria in the general plan or land use regulations that you believe apply to the decision. Any materials that are displayed or referenced e.g., pictures or written materials are part of the record and must be left with the Commission.

Prior to speaking, anyone wishing to speak will sign in and state their name and address. Proceedings before the Commission shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who is disorderly, abusive, or disruptive.

The meeting shall be respectful of all participants. Audience demonstrations such as applause, cheering, display of signs or other conduct disruptive to the hearing are prohibited. Audience members shall be recognized by the Chair prior to speaking. If you agree with a previous speaker then state your agreement. This will eliminate repetitious comments.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

The Planning Commission has adopted rules regarding outside contacts otherwise known as ex parte communications. Commissioners are not to engage in communications outside of the public meeting regarding administrative applications. If you desire to speak to Commissioners on these matters, it should be done at a regular meeting so your comments, concerns, and evidence are on the public record.

Finally, as a courtesy to persons in this meeting please turn off your cell phones.